

**EXHIBIT 8**  
**(Public)**  
**(Previously File Under Seal as Dkt. 334)**

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MINNESOTA

3  
4 FAIR ISAAC CORPORATION,

5 Plaintiff,

6 v. Court File No. 16-cv-1054 (WMW/DTS)

7 FEDERAL INSURANCE COMPANY,  
8 an Indiana corporation, and ACE  
9 AMERICAN INSURANCE COMPANY,  
10 a Pennsylvania corporation,

11 Defendants.

12 VIDEO DEPOSITION

13 The following is the video deposition of  
14 RANDOLPH BICKLEY WHITENER, taken before Jean F.  
15 Soule, Notary Public, Registered Professional  
16 Reporter, pursuant to Notice of Taking Deposition,  
17 at the law office of Fredrikson & Byron, P.A.,  
18 200 South Sixth Street, Suite 4000, Basswood  
19 Conference Room, Minneapolis, Minnesota, commencing  
20 at 8:56 a.m., Thursday, June 27, 2019.

21 \* \* \*

22  
23  
24 C O N F I D E N T I A L

25 ATTORNEYS' EYES ONLY



1 into a consumer's decision to purchase a given  
2 insurance product. I take it you'd agree with me  
3 that if an insurance company uses Blaze in some  
4 aspect of the process to underwrite an insurance  
5 product for a particular customer, that the use of  
6 Blaze in and of itself would not influence that  
7 customer's decision to purchase the product, would  
8 you agree with that?  
9 **A. I agree that the direct consumer, be**  
10 **it a business or a family entity, personal lines,**  
11 **does not see or care about any of the technologies**  
12 **that an insurance company takes to -- I'm going to**  
13 **use the word fulfill, fulfill its insurance**  
14 **process, be it policy issuance, be it claims, be it**  
15 **billing. The consumer is oblivious to that. I**  
16 **probably would --**  
17 MR. HINDERAKER: Go ahead, finish your  
18 answer.  
19 THE WITNESS: I probably would not  
20 make the same statement for the broker.  
21 BY MS. JANUS:  
22 Q. So the consumer that you referred to  
23 does not care whether Federal uses Blaze in any of  
24 its processes in connection with selling or  
25 administering a given insurance policy, fair?

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1 MR. HINDERAKER: The question  
2 misstates the answer, and I object for that reason.  
3 THE WITNESS: May I answer?  
4 MS. JANUS: Yes.  
5 THE WITNESS: Or respond?  
6 MR. HINDERAKER: Yes, you may.  
7 THE WITNESS: Okay. Thank you. Just  
8 asking for the rules.  
9 The consumer cares that the value  
10 proposition, a combination of coverages, exclusions  
11 and price, meet their needs and their expectation.  
12 Okay. The insurance company cares that the -- oh,  
13 and, I'm sorry, I need to put speed in there. All  
14 right. So -- so if you look at speed of response  
15 and you look at adequacy of price in combination  
16 with the proposed package, the consumer cares about  
17 that. The broker --  
18 BY MS. JANUS:  
19 Q. I'm sorry, let me just stick with my  
20 question for a moment. I want to make sure I've  
21 got an answer to my question.  
22 I asked you whether you would agree  
23 that the consumer does not care that Federal may  
24 use Blaze as a part of its complex processes to  
25 issue or underwrite a particular insurance product?

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1 MR. HINDERAKER: I'm going to object  
2 to the argumentative nature of that. He was trying  
3 to answer --  
4 MS. JANUS: No, no, no, no, don't  
5 coach him, don't coach him.  
6 MR. HINDERAKER: I'm not.  
7 MS. JANUS: Al, I'll stop you there.  
8 MR. HINDERAKER: Fine.  
9 MS. JANUS: Let's not get into that.  
10 It was a fair question, it wasn't argumentative.  
11 MR. HINDERAKER: And you --  
12 MS. JANUS: I want an answer.  
13 MR. HINDERAKER: I was just trying to  
14 say, he was trying to answer that question. So let  
15 him finish his answer, please.  
16 MS. JANUS: Please don't raise your  
17 voice with me.  
18 MR. HINDERAKER: Oh, I wasn't --  
19 MS. JANUS: And stop coaching the  
20 witness. As soon as I get to a question you don't  
21 like, you start coaching. Okay.  
22 MR. HINDERAKER: I --  
23 MS. JANUS: Let's stop it now. He's  
24 your expert, he should be able to handle it.  
25 MR. HINDERAKER: I like your --

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1 MS. JANUS: All right. I'm going to --  
2 MR. HINDERAKER: I like -- I liked  
3 your question.  
4 MS. JANUS: I'm going to --  
5 MR. HINDERAKER: And I'd like him to  
6 have a chance to answer.  
7 BY MS. JANUS:  
8 Q. I'm going to ask my question again,  
9 and I'd like an answer to it, and I think -- I  
10 think your previous answers pretty obviously  
11 suggest this. I just want to make it clear on the  
12 record, as I'm entitled to do, I'm entitled to  
13 create the record.  
14 You would agree with me, I take it,  
15 based on your previous testimony, that a consumer  
16 making a decision to purchase an insurance product  
17 from Federal does not care whether or not Blaze was  
18 used at any point in the process of selling or  
19 underwriting that insurance product, correct?  
20 **A. Correct.**  
21 Q. You would agree with me that, in fact,  
22 a consumer making a decision to purchase an  
23 insurance product from Federal does not know that  
24 Blaze was used at any point in the process in  
25 selling or underwriting that product, correct?

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1 application involving many technologies?  
 2 **A. Yes.**  
 3 **Q. Do you know what all of the various**  
 4 **components that are depicted in this chart do in**  
 5 **CSI Express?**  
 6 **A. All?**  
 7 **Q. Yes.**  
 8 **A. No. Some of the -- some of their**  
 9 **acronyms, I don't even know what they mean.**  
 10 **Q. Do you know what each of these**  
 11 **components contributes to what you have opined are**  
 12 **the benefits of CSI Express?**  
 13 **A. I'm not sure I opined that C -- that**  
 14 **anything other than Blaze Advisor provided benefits**  
 15 **to CIS. So as relates to this current state**  
 16 **exhibit, CI -- Blaze Advisor inside of CIS Express**  
 17 **contributes to the benefits I articulate, but I**  
 18 **can't speak to any of the other systems.**  
 19 **I can -- I can tell you generally**  
 20 **speaking in the insurance industry what an under**  
 21 **man -- underwriting manager workbench does, I can**  
 22 **tell you what product figuration does, but I can't**  
 23 **answer the specific question you're asking.**  
 24 **Q. Turning back to your report, in**  
 25 **paragraph 36?**

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1 **A. I'm there, I'm there.**  
 2 **Q. You state that "CSI eXPRESS's use of**  
 3 **Blaze Advisor contributes to revenue by increasing**  
 4 **the speed of response to a request for a quote**  
 5 **and...speed of making renewal offers," correct?**  
 6 **A. I do.**  
 7 **Q. And we've discussed that you don't**  
 8 **actually know whether the speed of response was**  
 9 **increased, correct -- at Federal, I should say?**  
 10 **A. I have no quantification.**  
 11 **Q. You don't know whether the speed of**  
 12 **making renewal offers was increased, correct?**  
 13 **A. I have no quantification.**  
 14 **Q. How have you concluded that CSI**  
 15 **Express's use of Blaze Advisor contributes to**  
 16 **revenue?**  
 17 **A. So I go back to my three original**  
 18 **points. There -- insurance companies try to improve**  
 19 **their positions in getting more quotes, converting**  
 20 **more quotes, hanging on to more renewals through**  
 21 **three fundamental strategies: speed -- that's both**  
 22 **speed of response and speed to market -- ease of**  
 23 **doing business, and adequate accurate pricing.**  
 24 **Q. Okay. And so you're basing your**  
 25 **opinion that CSI Express's use of Blaze Advisor**

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1 contributes to revenue on general goals of  
 2 insurance companies in the industry?  
 3 **A. Not exactly. I am basing my opinion**  
 4 **on the fact that every insurance company that I've**  
 5 **ever talked with is focused on that quote, bind,**  
 6 **book, issue process for new business and for**  
 7 **renewals, and that Blaze Advisor contributes to**  
 8 **getting responses inside of the quote process faster,**  
 9 **contributes to getting accurate adequate premium**  
 10 **faster, it contributes to easing the burden on the**  
 11 **independent agent or broker, meaning ease of doing**  
 12 **business, and it contributes to the relative**  
 13 **adequacy and acc -- attaining the adequate and**  
 14 **accurate premium.**  
 15 **Q. And -- but you did not actually**  
 16 **analyze whether it did contribute to those things**  
 17 **you've just listed at Federal, correct?**  
 18 **A. I did no quantification, that is**  
 19 **correct.**  
 20 **Q. Do you know whether Blaze Advisor**  
 21 **actually increased or decreased the revenues of**  
 22 **Federal?**  
 23 **A. I have done no quantification.**  
 24 **Q. I take it you don't know whether Blaze**  
 25 **Advisor actually contributed to an increase in**

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1 revenue or profit at Federal, correct?  
 2 **A. That would require a quantification.**  
 3 **I have done no quantification, no.**  
 4 **Q. You do not cite to any authority in**  
 5 **paragraph 36, correct?**  
 6 **A. That is correct.**  
 7 **Q. And --**  
 8 **A. So -- so when I don't cite, you should**  
 9 **assume that I am relying on 41 years and a lot of**  
 10 **gray hair in this business.**  
 11 **Q. So your opinion in paragraph 36 is**  
 12 **based upon your experience in the industry?**  
 13 **A. And conversations at industry**  
 14 **conferences with other insurance executives, and**  
 15 **conversations at industry conferences with software**  
 16 **vendors.**  
 17 **Q. Those are conversations you had in**  
 18 **connection with authoring your report?**  
 19 **A. No.**  
 20 **Q. Are those conversations you had about**  
 21 **Blaze Advisor?**  
 22 **A. Conversations I had -- no. I --**  
 23 **conversations I generally have making sure that I**  
 24 **keep my mind aware of what's going on in the**  
 25 **insurance industry. I have not discussed Blaze**

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